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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,251	01/31/2002	Richard L. Hammons	112-0020US	2791
29855 7590 11/04/2008 WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P. 20333 SH 249 SUITE 600 HOUSTON, TX 77070				
			EXAMINER NALVEN, ANDREW L	
			ART UNIT 2434	PAPER NUMBER
			MAIL DATE 11/04/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/066,251

**Applicant(s)**

HAMMONS ET AL.

**Examiner**

ANDREW L. NALVEN

**Art Unit**

2434

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 and 54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29, 54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-29 and 54 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-29 and 54 have been considered but are not persuasive.
3. Regarding claims 1, 25, 26, 28, Applicant argues on page 10 that the combination of Yamamoto and Battou fails to teach a network configuration entity configured or adapted to exclusively control a defined set of management functions including succession. Examiner respectfully disagrees. Yamamoto teaches a network configuration entity configured or adapted to exclusively control a defined set of management functions (Yamamoto, paragraph 0059). Yamamoto merely fails to teach the control of one specific management function in the form of succession. Battou remedies this deficiency by disclosing management control of succession (Battou, page 1 paragraph 0008). The combination of references disclosing management control of all claimed functions (Battou, page 1 paragraph 0008, Yamamoto, paragraphs 0059, 0119, 0128) and the exclusive control over management functions (Yamamoto, paragraph 0059) and thus the combination references meets all of the limitations of the claims.

4. Applicant further argues that the combination of Yamamoto and Battou fails to teach an NCE list storing an indication of each device in the network that may operate as said network configuration entity. Examiner respectfully disagrees. Battou teaches an NCE list storing an indication of each device in the network that may operate as said network configuration entity (Battou, page 18 paragraphs 0271, 0270, 0268, 0269) by teaching a database server storing configuration and connection information for the network which includes information regarding all NMS servers.

5. Applicant further argues that the combination of references fails to teach a DCC list associated with one or more rules for interaction between and among devices and comprising definitions that logically bind a port on the network configuration entity to one or more ports resident in the secure network. Examiner respectfully disagrees. Yamamoto teaches a DCC list associated with one or more rules for interaction between and among devices and comprising definitions that logically bind a port on the network configuration entity to one or more ports resident in the secure network (Yamamoto, Figure 11, paragraph 0042) by teaching a zoning method whereby rules are created that bind a particular port on a switch to other specific ports. Only when ports are bound to another port will a connection be allowed.

6. Applicant further argues that the combination of references fails to teach a list of devices authorized to participate in the secure network. Examiner respectfully disagrees. Yamamoto and Battou teach a list of devices authorized to participate in the secure network (Yamamoto, paragraph 0001, paragraph 0096, paragraph 0098,

paragraph 0120, Battou, page 20 paragraphs 0302 and 0306-0307) by disclosing tables which detail which devices are allowed to be in communication with other devices.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 1-9, 11-16, and 25-29 are rejected under 35 U.S.C. 103(a)** as being anticipated by Yamamoto et al US PGPub 2003/0208589 in view of Battou US PGPub 2002/0174207.
8. **With regards to claims 1, 25-29**, Yamamoto teaches a network configuration entity configured or adapted to exclusively control a defined set of management functions through a secure network (Yamamoto, paragraph 0059), said secured network comprising a plurality of switching devices (Yamamoto, paragraph 0001), and set said of management functions comprising recognition and operation (Yamamoto, paragraphs 0119, 0128). Yamamoto fails to teach the management functions including succession. However, Battou teaches the management functions including succession (Battou, page 1 paragraph 0008). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to utilize Battou's method of succession for management servers because it offers the advantage of improving the viability of the network by

providing a greater degree of fault tolerance thus ensuring that network remains available in the event of a management server failure (Battou, paragraphs 0005-0007)

9. **With regards to claim 2**, Yamamoto as modified teaches an NCE list storing an indication of each device in the network that may operate as said network configuration entity (Battou, page 18 paragraphs 0271, 0268, 0270, 0269).

10. **With regards to claim 3**, Yamamoto as modified teaches the set of management functions including rules for interaction between and among devices in the network (Battou, page 20 paragraphs 0304 through 0307).

11. **With regards to claim 4**, Yamamoto as modified teaches management functions including device connection controls indicating port relationships in said secure network (Yamamoto, paragraph 0098).

12. **With regards to claims 5-6**, Yamamoto as modified teaches a DCC list associated with one or more rules for interaction between and among devices and comprising definitions that logically bind a port on the network configuration entity to one or more ports resident in the secure network (Yamamoto, Figure 11, paragraph 0042).

13. **With regards to claims 7-8, 11-12**, Yamamoto as modified teaches the ports identified by the unique number that is a world wide name (Yamamoto, paragraph 0016).

14. **With regards to claim 9**, Yamamoto as modified teaches restricting management services to a defined set of endpoints (Battou, page 20 paragraph 0312, communicates with agents at OTSs).

15. **With regards to claims 13-14**, Yamamoto as modified teaches the network endpoints comprising uniquely identified device ports (Battou, page 20 paragraph 0312).
16. **With regards to claims 15-16**, Yamamoto as modified teaches the management functions including switch connection controls for designating devices to participate in the secure network (Yamamoto, paragraph 0001, 0096, 0098, 0120, Battou, page 20 paragraphs 0302 and 0306-0307).
17. **Claims 10, 17-24, 54 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Yamamoto et al US PGPub 2003/0208589 and Battou US PGPub 2002/0174207, as applied to claim 1 above, and in further view of Zara et al US PGPub 2004/0015957.
18. **With regards to claims 10, 17-24, and 54**, Yamamoto as modified teaches everything described above, but fails to teach a MAC list for storing an indication of network endpoints from which management access is acceptable. Zara teaches a MAC list for storing an indication of network endpoints from which management access is acceptable (Zara, page 2 paragraph 0020). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Zara's MAC list with Battou's network management system because it offers the advantage of providing a method of determining that an intruder has gained access to the network (Zara, page 2 paragraph 0020).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW L. NALVEN whose telephone number is (571)272-3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Andrew L. Nalven/  
Examiner, Art Unit 2434

/Kambiz Zand/  
Supervisory Patent Examiner, Art Unit 2434